

HOUSE BILL REPORT

SSB 6367

As Passed House:

March 5, 2004

Title: An act relating to protecting the integrity of national historical reserves in the urban growth area planning process.

Brief Description: Protecting the integrity of national historical reserves in the urban growth area planning process.

Sponsors: By Senate Committee on Land Use & Planning (originally sponsored by Senators Haugen, Spanel and Winsley).

Brief History:

Committee Activity:

Local Government: 2/19/04, 2/26/04 [DP].

Floor Activity:

Passed House: 3/5/04, 94-0.

Brief Summary of Substitute Bill

- Allows a city to implement certain restrictions on urban growth with respect to urban growth areas that are contained entirely within a national historical reserve.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 10 members: Representatives Romero, Chair; D. Simpson, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Clibborn, Ericksen, Mielke, Moeller and Upthegrove.

Staff: Thamas Osborn (786-7129).

Background:

Planning for Urban Growth Areas Under the Growth Management Act.

Enacted in 1990 and 1991, the Growth Management Act (GMA) establishes a comprehensive land use planning framework for county and city governments in Washington. Counties and cities meeting specific population and growth criteria are required to conform to the major requirements of the GMA. Counties not meeting these criteria may choose to plan under the GMA. Currently, 29 of 39 counties, and the cities within those 29 counties, are required to or have chosen to conform with the major requirements of the GMA (GMA jurisdictions).

GMA jurisdictions must adopt comprehensive land use plans, which are generalized, coordinated land use policy statements of the governing body. Comprehensive plans are required to include provisions for specific planning elements, including separate housing and economic development elements.

GMA jurisdictions also must designate urban growth areas (UGAs) within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature.

Using population projections by the Office of Financial Management (OFM), GMA jurisdictions must include within their UGA densities and areas sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding 20-year period. A UGA determination may include a reasonable land market supply factor and must permit a range of urban densities and uses.

Ebey's Landing National Historical Reserve.

Ebey's Landing National Historical Reserve (Reserve) located on Whidbey Island in the northern Puget Sound is a unit of the National Park System that was created in 1978 through an act of Congress. In creating the Reserve, Congress stated that its intention was to "preserve and protect a rural community which provides an unbroken historical record from nineteenth century exploration and settlement in [the] Puget Sound to the present time." The Reserve is managed by a nine member Trust Board representing a partnership that includes the town of Coupeville, Island County, the state of Washington, and the National Park Service. The stated mission of the Trust Board is to "preserve and protect, in perpetuity, the historic, natural, cultural, scenic, recreational and community resources which are vital to Ebey's Landing [National Historic Reserve]."

The Reserve consists of 17,400 acres, covering 25 square miles, and includes the town of Coupeville and the area extending approximately six miles on either side of the town. Almost 90 percent of the land in the Reserve is privately owned, with the remainder being held under a combination of local, state, and federal ownerships. The land encompassed by the reserve is classified as follows:

- 42 percent agricultural/open space;
- 36 percent woodlands;
- 11.4 percent residential;
- 5 percent wetland; and
- 1 percent urban/commercial.

Although the Reserve is classified as part of the national park system, the National Park Service (NPS) owns very little land within the Reserve and has little authority to control development. Instead, the NPS has purchased scenic and conservation easements on a voluntary basis from those members of the community who have been willing to sell them. Only 12 percent of the land in the Reserve is subject to federal control as the result of such easements. Those lands not covered by NPS easements are subject to the zoning and development regulations imposed by local and state governmental authorities.

Summary of Bill:

Cities may restrict population densities and forms of growth with respect to urban growth areas contained totally within a national historical reserve, provided such restrictions are necessary to protect the physical, cultural, or historic integrity of the reserve.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The Ebey's Landing National Historical Reserve is one of only two such reserves in the United States. The bill is needed in order to preserve the integrity of the reserve. The intent of the bill is to give the town of Coupeville the means of controlling development so as to protect the reserve. The urban density requirements of the GMA are incompatible with the historic nature of the reserve, and the legislation is designed to remedy this problem. The bill only pertains to land within the town itself and would provide the town with flexibility in controlling the concentration of development. Farming continues to take place within the town and this legislation is needed to ensure that this historical use can continue. The bill would not prevent residents from selling their property, but would allow the town to exercise some control over population density. This bill represents a community effort by the residents of Coupeville and is widely supported by that community.

Testimony Against: None.

Persons Testifying: Senator Haugen, prime sponsor; and Ian MacGowen, City of Coupeville.

Persons Signed In To Testify But Not Testifying: None.